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Attorneys for Defendant  
SALLIE MAE, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

THERESA JOYCE,

Plaintiff,

v.

SALLIE MAE, INC., a corporation, and DOES  
1 through 10 inclusive,

Defendants.

**Case No. C 08-03351 MEJ**

**NOTICE TO ADVERSE PARTIES OF  
FILING NOTICE OF REMOVAL**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE under the provisions of 28 U.S.C. Section 1446(d) that on July 11, 2008, Defendant Sallie Mae, Inc. filed with the Clerk of the United States District Court for the Northern District of California, the attached Notice of Removal to accomplish the removal of the action pending in the Superior Court of California, County of Contra Costa, entitled *Theresa Joyce v. Sallie Mae, Inc., and Does 1 through 10*, Case Number C 08-01489, commenced on June 2, 2008, to the United States District Court for the Northern District of California. A copy of the Notice of Removal is also being filed with the Clerk of the Superior Court of California, County of Contra Costa.

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Under 28 U.S.C. Sections 1441 and 1446 and Federal Rule of Civil Procedure, Rule 81(c), this action will now be placed on the docket of the District Court for further proceedings.

Dated: July 11, 2008.

LAW OFFICES OF MIRIAM HISER

By: \_\_\_\_\_/s/\_\_\_\_\_  
Miriam Hiser  
Attorney for Defendant SALLIE MAE, INC.

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Attorneys for Defendant  
SALLIE MAE, INC.

E-filing

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JUL 11 2008

RICHARD W. WIEKING  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

THHERESA JOYCE,

Plaintiff,

v.

SALLIE MAE, INC., a corporation, and DOES  
1 through 10 inclusive,

Defendants.

CV 08  
Case No.

3351

NOTICE OF REMOVAL

MEJ

Pursuant to 28 U.S.C. Sections 1331, 1441 and 1446 and Federal Rule of Civil Procedure, Rule 81(c), Defendant Sallie Mae, Inc. ("Sallie Mae") hereby removes this action from the Superior Court of California, County of Contra Costa, to the United States District Court for the Northern District of California on the following grounds:

1. Plaintiff Theresa Joyce filed her Complaint captioned *Theresa Joyce v. Sallie Mae, Inc. and Does 1 through 10* on June 2, 2008 in the Superior Court of California, County of Contra Costa, Martinez Division, as Case Number C 08-01489. Plaintiff served a copy of the Summons and Complaint on Sallie Mae on June 11, 2008. In compliance with 28 U.S.C. Section 1446, true and correct copies of these documents, along with a Civil Cover Sheet, Notice of Case Management Conference, Notice to Plaintiffs, Notice to Defendants, Stipulation and Order to Attend ADR, blank Case Management Statement, Contra Costa County Superior Court ADR Information, and Proof of Service of Summons are attached hereto as Group Exhibit A. No other

1 process, pleadings, or orders have been served on Sallie Mae.

2 2. Plaintiff's Complaint alleges a cause of action that arises under and depends on the  
3 construction of federal law. Specifically, paragraphs 41(e) through (n) of the Complaint allege  
4 that defendant violated California Civil Code Section 1788.17, captioned "Compliance with  
5 Federal Law," by failing to comply with the Fair Debt Collection Practices Act, 15 U.S.C. Section  
6 1692(b), *et seq.*

7 3. As Exhibit A demonstrates, the First Cause of Action alleged in plaintiff's  
8 Complaint is a claim within the original federal question jurisdiction of the federal district courts  
9 under 28 U.S.C. Section 1331.

10 4. Because of the presence of a separate and independent claim cognizable under 28  
11 U.S.C. Section 1331, the entire case is removable as provided in 28 U.S.C. Section 1441(c).

12 5. Plaintiff has not named or served any defendant other than Sallie Mae.

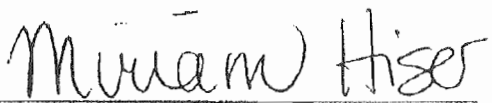
13 6. Notice of this removal is being filed with the Superior Court of California, County  
14 of Contra Costa.

15 7. Removal to this district court is proper under 28 U.S.C. Section 1441(a) because  
16 the Superior Court of California, Contra Costa Division, is geographically located within this  
17 court's district.

18 8. Removal is timely under 28 U.S.C. Section 1446(b) because this Notice of  
19 Removal is filed within thirty days of service of process upon Sallie Mae of a complaint stating a  
20 claim within this Court's jurisdiction.

21 Dated: July 11, 2008.

LAW OFFICES OF MIRIAM HISER

22  
23 By:   
24 Miriam Hiser  
25 Attorney for Defendant SALLIE MAE, INC.  
26  
27  
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**CERTIFICATE OF SERVICE BY MAIL**

The undersigned certifies as follows:

I am employed at the Law Offices of Miriam Hiser, 550 Montgomery Street, Suite 650, San Francisco, California 94111. I am over the age of 18 and not a party to the within action.

I am readily familiar with the business practice for the collection and processing of correspondence for mailing, under which, in the ordinary course of business, mail placed for collection and mailing is deposited with the United States Postal Service on the same day with postage thereon fully prepaid at San Francisco, California.

On July 11, 2008, I served a copy of the following document(s):

**NOTICE TO ADVERSE PARTIES OF FILING NOTICE OF REMOVAL**

by placing, for collection and mailing a true copy of such document(s) enclosed in a sealed envelope(s), following ordinary business practices, addressed as follows:

Jeremy S. Golden  
Law Offices of Eric F. Fagan  
2300 Boswell Road, Suite 211  
Chula Vista, CA 91914

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: July 11, 2008.

/s/

Miriam Hiser